

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

JAMES BONINI  
CLERK

2010 AUG 23 P 12:59

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST DIV. COLUMBUS

**RECEIVED**  
JUL 28 2010  
JAMES BONINI, CLERK  
COLUMBUS, OHIO

DAVID LEE CARR  
(ENTER ABOVE THE NAME OF THE PLAINTIFF IN THIS ACTION)

IF THE PLAINTIFF IS A PRISONER:

PRISONER #

0110001045

2:10 cv 673

vs.

Sheriff George Lavender  
(ENTER ABOVE THE NAME OF THE DEFENDANT IN THIS ACTION)

**JUDGE FROST**

IF THERE ARE ADDITIONAL DEFENDANTS PLEASE LIST THEM:

MRS. SHAWNA OTT (Nurse)

DR. RICHARD HARRIS (doctor)

Col T J Hollis (ACTUAL PERSON who RUNS JAIL)

SECOND FLOOR GUARDS; CHRIS DAVIS, MARTIN BROOKS, WALTER MILLER,  
JAMES BRIDENBACH, TERESA HOLMAN, TRACY BEVERLY, DIANA LYNCH, AND  
KATIE TOMAS,

**MAGISTRATE JUDGE ABEL**

**COMPLAINT**

I. PARTIES TO THE ACTION:

PLAINTIFF:

PLACE YOUR NAME AND ADDRESS ON THE LINES BELOW. THE ADDRESS YOU GIVE MUST BE THE ADDRESS THAT THE COURT MAY CONTACT YOU AND MAIL DOCUMENTS TO YOU. A TELEPHONE NUMBER IS REQUIRED.

DAVID LEE CARR  
NAME - FULL NAME PLEASE - PRINT

28 N. PAINT STREET  
ADDRESS: STREET, CITY, STATE AND ZIP CODE

CHILLICOTHE OHIO 45601

PERSONAL CELL # 740-637-9409 } NOT IN  
Name # 740-891-5103 } SERVICE  
TELEPHONE NUMBER } WHILE IN JAIL

IF THERE ARE ADDITIONAL PLAINTIFFS IN THIS SUIT, A SEPARATE PIECE OF PAPER SHOULD BE ATTACHED IMMEDIATELY BEHIND THIS PAGE WITH THEIR FULL NAMES, ADDRESSES AND TELEPHONE NUMBERS. IF NO ADDITIONAL PLAINTIFFS EXIST CONTINUE WITH THIS FORM.

PAGE 2 AND 3 OF THIS FORM DEAL ONLY WITH A PLAINTIFF THAT IS INCARCERATED AT THE TIME OF FILING THIS COMPLAINT.

IF YOU ARE A PRISONER FILING A CIVIL SUIT THE FOLLOWING INFORMATION IS REQUIRED:

PREVIOUS LAWSUITS:

- A. HAVE YOU BEGUN OTHER LAWSUITS IN STATE OR FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION OR OTHERWISE RELATING TO YOUR IMPRISONMENT? YES ( ) NO ☒
- B. IF YOUR ANSWER TO A IS YES, DESCRIBE THE LAWSUIT IN THE SPACE BELOW. (IF THERE IS MORE THAN ONE LAWSUIT, DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THE SAME OUTLINE.)

1. PARTIES TO THIS PREVIOUS LAWSUIT

PLAINTIFFS:

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DEFENDANTS:

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2. COURT (IF FEDERAL COURT, NAME THE DISTRICT; IF STATE COURT, NAME THE COUNTY)

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3. DOCKET NUMBER

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4. NAME OF THE JUDGE TO WHOM THE CASE WAS ASSIGNED

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5. DISPOSITION (FOR EXAMPLE, WAS THE CASE DISMISSED? WAS IT APPEALED? IS IT STILL PENDING?)

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6. APPROXIMATE DATE OF THE FILING OF THE LAWSUIT

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7. APPROXIMATE DATE OF THE DISPOSITION

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## PLACE OF PRESENT CONFINEMENT

A. IS THERE A PRISONER GRIEVANCE PROCEDURE IN THIS INSTITUTION?  
YES ( ) NO ☒

B. DID YOU PRESENT THE FACTS RELATING TO YOUR COMPLAINT IN THIS STATE PRISONER GRIEVANCE PROCEDURE? YES ☒ NO ( )

C. IF YOUR ANSWER IS YES:

1. WHAT STEPS DID YOU TAKE?

I FILLED A REQUEST/GRIEVANCE FORM AND  
GAVE IT TO THE GUARDS FOR SHERIFF  
LAVENDER

2. WHAT WAS THE RESULT?

MOST WERE NEVER ANSWERED

D. IF YOUR ANSWER IS NO, EXPLAIN WHY NOT.

THERE IS NO TRACKING SYSTEM HERE NOR  
DO THEY FEEL THEY HAVE TO ANSWER ANY  
GRIEVANCE WRITTEN TO THEM

E. IF THERE IS NO PRISON GRIEVANCE PROCEDURE IN THIS INSTITUTION, DID YOU COMPLAIN TO PRISON AUTHORITIES? YES ☒ NO ( )

F. IF YOUR ANSWER IS YES:

1. WHAT STEPS DID YOU TAKE?

I TOLD THE GUARD OF MY COMPLAINTS  
AND FILED GRIEVANCES WHICH WERE  
NEVER ANSWERED

2. WHAT WAS THE RESULT?

NOTHING WAS DONE - THEY SAID THEY  
WERE TOO BUSY TO BOTHER

## DEFENDANTS:

PLACE THE NAME AND ADDRESS OF EACH DEFENDANT YOU LISTED IN THE CAPTION ON THE FIRST PAGE OF THIS COMPLAINT. THIS FORM IS INVALID UNLESS EACH DEFENDANT APPEARS WITH FULL ADDRESS FOR PROPER SERVICE.

1. Sheriff George Lavender  
NAMES - FULL NAME PLEASE  
28 N. PAINT STREET Chillicothe, OH 45601  
ADDRESS - STREET, CITY, STATE AND ZIP CODE
2. MRS. SHANA OTT (RN-NURSE)  
28 N. PAINT STREET Chillicothe, OH 45601
3. Dr. Richard Harris (MD-doctor)  
28 N. PAINT STREET Chillicothe, OH 45601
4. Col. T.J. Hollis (Runs Jail)  
28 N. PAINT STREET Chillicothe OH 45601
5. { SECOND FLOOR GUARDS: - CHRIS DAVIS,  
MARTIN BROOKS, WALTER MILLER, JAMES BRIDEN-  
BAUGH, TERRESA HOLMAN, TRACY BEDELY, DIANA  
LUNCH, KATIE TOMAS  
28 N. PAINT STREET Chillicothe OH 45601

IF THERE ARE ADDITIONAL DEFENDANTS, PLEASE CONTINUE LISTING THEM.

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DO NOT GIVE ANY LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES.

IF YOU HAVE A NUMBER OF DIFFERENT CLAIMS, PLEASE NUMBER AND SET FORTH EACH CLAIM IN A SEPARATE PARAGRAPH. USE AS MUCH SPACE AS YOU NEED. YOU ARE NOT LIMITED TO THE PAPERS WE GIVE YOU. ATTACH EXTRA SHEETS THAT DEAL WITH YOUR STATEMENT CLAIM IMMEDIATELY BEHIND THIS PIECE OF PAPER.

THIS IS A TITLE 42 SECTION 1983 CIVIL RIGHTS COMPLAINT. THE PLAINTIFF, DAVID CARR, IS A DETAINEE AT THE ROSS COUNTY JAIL AND HAS SUFFERED THE ENCLOSED VIOLATIONS OF MINIMUM JAIL STANDARDS (HIPAA, HIPPA). RESPONDANT SHERIFF GEORGE LAUDNER JR. IS RESPONSIBLE FOR THE JAIL AND CONDITIONS. RESPONDANT COL. T.J. HOLLIS IS THE OFFICER IN CHARGE OF THE JAIL WHO ACTUALLY RUNS THE JAIL FOR THE SHERIFF. RESPONDANT DR. RICHARD HARRIS IS THE HEAD OF MEDICAL SERVICES AND ALLEGED TO SEE INMATE PATIENTS, PRESCRIBE MEDICATION AND ALL TREATMENT OF PRISONERS. RESPONDANT SHAWN A. OTT IS A RN IN CHARGE OF ALL NURSES, MEDICATION, AND THE ONLY RN AVAILABLE AT THE JAIL. RESPONDANTS: CHRIS DAVIS LPN, MARTIN BROOKS, WALTER MILLER, JAMES BRIDENBAUGH, TERRESA HOLMAN, TRACY BEVERLY, DIANA LYNCH, KATIE TOMAS; ARE THE SECOND FLOOR GUARDS WHO DISPENSE MEDICATIONS AND FOLLOW ORDERS FROM THEIR SUPERIORS WHICH VIOLATE PETITIONERS CIVIL AND CONSTITUTIONAL RIGHTS.

THESE CONDITIONS IN THE ROSS COUNTY JAIL ARE KNOWINGLY IN VIOLATION OF HIPAA (HIPPA), OHIO MINIMUM JAIL STANDARDS FOR JAILS, FEDERAL MINIMUM STANDARD FOR JAILS, OHIO MEDICAL LAWS AND THE CONSTITUTIONS OF OHIO AND THE UNITED STATES FOR DENIAL OF ACCESS TO THE COURTS AND CRUEL AND UNUSUAL PUNISHMENT.



## STATEMENT OF CLAIM

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#1) MEDICAL: The JAIL has had a rash of STAPH INFECTIONS AND HAS DONE NOTHING TO PREVENT Them. PETITIONER CONTACTED A SEVERE CASE OF INFECTION ON HIS NECK 3X AND TWICE WAS PLACED IN PUNITIVE SEGREGATION FOR A WEEK EACH. PETITIONER WAS PRESCRIBED TO TAKE BACTRUM  $\frac{1}{2}$  BID BUT NOT LONG ENOUGH TO GET TO THE DERMAL LAYER OR BEFORE IT WAS COMPLETELY GONE. ONCE PETITIONER WAS CHARGED FOR THIS MEDICATION OF \$500. PETITIONER HAS NEVER SEEN A DOCTOR NOR HAS THERE BEEN CULTURES & SENSITIVITIES TAKEN TO DETERMINE THE CAUSE. PETITIONER HAS COMPLAINED THAT THE TREATMENT WAS NOT COMPLETE AND STILL HAS THE RASH AFTER 140 DAYS OF JAIL TIME. NURSE OTT HAS ACTED AS THE DOCTOR IN DIAGNOSES AND THE DOCTOR HAS TREATED THIS DETAINEE WITHOUT BEING SEEN. PETITIONER HAS BEEN PUNISHED FOR THE JAIL'S UNSANITARY CONDITION BY BEING PLACED IN PUNITIVE SEGREGATION WHERE HE HAD NO PRIVILEGES OTHER PRISONER HAD. PETITIONER HAS SUFFERED WITH THE DISGRACE AND PAIN (ITCHING) OF THIS RASH WITHOUT PROPER MEDICAL CARE WHICH AMOUNTED TO CRUEL AND UNUSUAL PUNISHMENT BY MEDICAL INDIFFERENCE TO A POSSIBLE COMMUNICABLE DISEASE.

The JAIL LET A WOMAN PRISONER ON HER OWN RECOGNANCE BOND go when she contracted STAPH - UNEQUAL TREATMENT  
5B

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PETITIONER WAS MOVED FROM POPULATION AND PLACED IN CELL #5 FIRST FLOOR. THIS CELL WAS DIRTY AND SMELLED OF URINE. THERE WAS NO BED. PETITIONER SLEPT ON THE FLOOR. THERE WAS A 24X4 WINDOW IN THIS CELL WHICH WOMEN PRISONERS PASSED IN FRONT OF WHILE GOING AND COMING FROM THEIR POD. PETITIONER WAS CAUGHT SEVERAL TIMES USING THE TOILET AND HAD THESE GIRLS STARE AND LAUGH AT HIM. DEGRADING THIS PETITIONER EVEN MORE THERE WAS NO CHAIR, DESK, OR BED IN THIS CELL. PETITIONER WAS ONLY ALLOWED A SHOWER ONCE WHILE HE WAS THERE. PETITIONER HAD NO HUMAN CONTACT AND NO COMMISSARY AND NO PHONE, AND NO TV. IN ALL BUT NAME HE WAS PUNISHED WITHOUT DUE PROCESS.

THE DOCTOR HARRIS CHANGED PETITIONER MEDICATIONS HE WAS TAKING FROM AN OUTSIDE DOCTOR. HE STOPPED PETITIONER'S "ACTOS" FOR DIABETIS WHICH HE HAS NOT HAD SINCE ARRIVING HERE AT THE JAIL. THERE IS NO SET DAY THIS DOCTOR SEES PATIENTS AND TO MY KNOWLEDGE HE RARELY SEES ONE. NURSE OTT ACTS AS PRESCRIBER OF ALL MEDICATION AND MAKES MOST DIAGNOSES WHICH IS CONTRARY TO STATE LAW.

SEVERAL TIMES PETITIONER HAD LOW BLOOD SUGAR

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IN THE EVENINGS BECAUSE OF THE STARVATION DIET AND THE 14 HOURS BETWEEN MEALS (SUPPER AND BREAKFAST). EACH TIME THE GUARDS WERE NOTIFIED (2X) AND NOTHING WAS DONE. THEY HAVE NOTHING TO INCREASE BLOOD SUGAR TO GIVE AND THERE IS NO NURSE ON DUTY. THIS IS MEDICAL INTERFERENCE TO A SERIOUS MEDICAL CONDITION AND LIFE THREATENING TO THE PETITIONER. DAVID FARROW WAS WITNESS TO BOTH OCCASIONS.

#2) RECREATION: 1 TO 2X PER WEEK WE ARE ALLOWED TO HAVE EXERCISE AND FRESH AIR. THERE IS NEVER ANY SUNLIGHT FOR HEALTH, WHILE OUTSIDE THERE IS NOTHING TO DO BUT PLAY BASKETBALL OR WALK IN CIRCLES. DAILY RECREATION IS STATED ON THE RULES BUT THIS IS NEVER DONE. THE GUARDS SAY IT'S BECAUSE OF UNDER STAFFING, WHICH WE CAN'T HAVE DAILY RECREATION. THE JAIL IS IN VIOLATION OF ITS OWN RULES, HIPPA, OHIO AND FEDERAL MINIMUM STANDARDS FOR JAILS.

#3) ACCESS TO THE COURTS: PETITIONER IS HIS OWN COUNSEL AND THE JAIL HAS DENIED HIM COPIES UNTIL 28 JUNE 2010 FOR PROPER MOTIONS TO THE COURT, SUPPLIES SUCH AS PAPER, PENCILS, ERASER, STAMPED ENVELOPES,



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MANILLA ENVELOPS, LEGAL POSTAGE, NOTARY FOR AFFIDAVITS, INK PENS, FILE FOLDERS, FILE BOX TO KEEP PAPERS. MOST OF ALL THE JAIL HAS NO LAW LIBRARY OR ACCESS TO LEGAL CITINGS FOR COURT HEARINGS. ALL THOSE DENIALS SHOULD BE SUPPLIED BY THE JAIL FOR AN INDIGENT PERSON TO GIVE HIM ACCESS TO THE COURT, ALSO THERE IS NO FREE PHONE CALLS TO PROMOTE YOUR DEFENSE NOR ACCESS TO A PHONE BOOK FOR ADDRESSES TO FILE SUBPOENAS. IT IS PETITIONER'S CONSTITUTIONAL RIGHT TO HAVE ACCESS TO THE COURTS AND THAT MEANS ALL COURTS. PETITIONER COULD NOT FILE A COMPLAINT ON JUDGE CORZINE BECAUSE IT REQUIRED A NOTARIZED AFFIDAVIT.

#4) MAIL: PETITIONER'S MAIL IS GIVEN TO OTHER PRISONERS, WHICH THEY READ. PETITIONER HAS COMPLAINED BUT THE GUARDS ON THE SECOND FLOOR CONTINUE TO GIVE MY MAIL INCLUDING LEGAL MAIL TO OTHER PRISONERS TO BE READ. THEREBY, VOIDING ANY CONFIDENTIALITY HE MAY HAVE HAD AND POSSIBLE PUTTING HIS LIFE, HEALTH, AND WELL BEING IN JEOPARDY IF THE OTHER PRISONER DOES NOT LIKE WHAT YOU WROTE. THIS INCLUDES GRIEVANCES, REQUESTS, LETTERS, AND COURT PAPERS. ALSO MAIL IS NOT DELIVERED ON SATURDAY.

#5) THEFT: THE JAIL HAS TAKEN \$10.00 FROM

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PETITIONER'S ACCOUNT when he first entered the jail stating it was a "Booking Fee". The trouble with this is they take this money without a court order or statute to do so depriving all detainees their due process and equal protection of the law. This is nothing more than theft.

6) Punishment: All guard can be your judge, jury and executioner to anything a prisoner may do. They hand out punishment without due process. There is no neutral and detached magistrate to hear your violation. There is no write up on paper served the prisoner so he knows what he did wrong or what violation he did. In fact there are no posted rules or confirmation a prisoner understands these rules. Petitioner was locked down for one day and to date does not know what he did. Petitioner was locked down for 3 days when David Parrow was punished because he was in my cell. Petitioner was locked down for 5 days when his new cell mate was moved into petitioner's cell. Petitioner was restricted movement just like the person who was punished which was also punishment via proxy

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- 7) Meals: Petitioner is on a DIABETIC DIET without APPLES. He is ALLERGIC TO APPLES AND TOLD THE GUARD UPON BOOKING. NOT ONLY DID THE JAIL STARVE PETITIONER WITH A 2000 CALORIE DIET THEY CONTINUED TO GIVE APPLES, APPLE SAUCE, COOKED APPLES, AND APPLE JUICE WHICH PETITIONER COULD NOT EAT WHICH MADE HIS DIET EVEN LESS THAN 2000 CALORIES. PETITIONER HAS COMPLAINED CONSTANTLY THE JAIL WAS STARVING HIM OR TRYING TO KILL HIM WITH APPLES. PETITIONER HAS LOST 25 LB IN 34 DAYS AND HAS BEEN SO WEAK TO EXERCISE OR EVEN WALK OUTSIDE. THERE IS NO POSTED MENUS AND WHEN THE BUDGET IS LOW MEALS GET CUT EVEN MORE WITH NO OIL, JELLY, BREAD, ETC. THERE IS NOT 2oz OF MEAT SERVED PER MEAL. THE JAIL SERVES 2 LUKE WARM MEALS AND A SACK BREAKFAST. STARVATION AND FEEDING OF ALLERGIC FOOD IS CRUEL AND UNUSUAL PUNISHMENT FOR THOSE WHO CAN NOT AFFORD TO SUPPLEMENT THEIR DIET. PETITIONER'S BLOOD SUGAR IS ALWAYS LOW EVEN THOUGH HE IS TAKING NO DIABETES MEDICINE TO LOWER IT.
- 8) Time: There are NO CLOCKS IN THE JAIL AND PRISONERS ARE NOT ALLOWED WATCHES. AFTER



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A short time of being incarcerated one begins to suffer time deprivation. This is a form of torture used of prisoner to make them talk during the wars. It is the same effect of detainees here in this jail. This torture form make detainees plead out just to get out of this jail.

9) Environment: The jail keeps it cold inside. During the winter it was painful just to get out of bed because it was cold. Detainees are not allowed or given socks, T-shirts or underwear unless they are bought through the kiosk (store) at outrageous prices. There is only one blanket given to each prisoner and the vents blow cold air onto your bed making you sick. Petitioner has been sick since he arrived and torturously cold which is cruel and unusual punishment. It is deliberate indifference to the comfort of the prisoners housed here.

10) Religion: Petitioner is Jewish and was told he could not attend church services. No Rabbi has been provided this petitioner. He has been denied



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his Freedom to worship as he pleases or to attend other church services. The guard told petitioner he could not go to church because another prisoner who has threatened him was going. So because of another's threats petitioner was denied his constitutional right to worship as he pleased or to have a rabbi of his own faith.

11) CLOTHING: PETITIONER HAS ONLY BEEN ISSUED A TOWEL AND A UNIFORM WHICH ARE WASHED ONLY ONCE PER WEEK. He was NOT given socks, underwear, or T-shirts. Because he has no underclothes his body is next to his uniform and smells within 2 days even with daily showers. There must be a minimum amount of clothing one is given when indigent for hygiene and warmth. No coat is given for outside recreation and as cold as it is kept here a coat is required year round inside there is no sweat shirts or sweat pants.

12) CLEANING SUPPLIES: INADEQUATE SUPPLIES TO CLEAN WITH. NOT ENOUGH DERMACIDAL FOR ALL CELLS TO BE CLEANED. ONLY ABOUT 10 PAPER TOWELS

## STATEMENT OF CLAIM

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ARE GIVEN TO WIPE EVERYTHING DOWN. AFTER MEALS THERE IS NOTHING TO CLEAN THE TABLES WITH. FRUIT FLIES INFEST THE POD COMING FROM THE SHOWER DRAINS. THE SHOWERS ARE NEVER CLEANED AND BLACK MOLD GROWS IN THEM. THEREBY, GIVING AN ENVIRONMENT THAT IS NON-HYGENIC AND DANGEROUS

13) PERSONAL HYGIENE ITEMS: ALL SOAP, SHAMPOO, STAMPS, PAPER, PENCILS, TOOTH PASTE, TOOTH BRUSH ARE SOLD AS AN INDIGENT KIT FOR \$2.70 WHICH IS SUPPOSED TO BE PROVIDED FREE TO ANY INDIGENT PRISONER. EVEN WHEN ALLOWED TO PURCHASE THIS KIT IT IS IN SMALL PROPORTIONS TO LAST ONE WEEK. PETITIONER HAS BEEN WITHOUT FOR WEEKS AT A TIME

14) GRIEVANCE SYSTEM: THERE IS NO TRACKING SYSTEM FOR GRIEVANCES AND IT IS RARE TO GET AN ANSWER BACK. THE JAIL IS ALWAYS RUNNING OUT OF THEIR FORMS WHICH ALLOWS NO COPY FOR THE PRISONER AND TAKES WEEKS TO REPLENISH. THIS FORM BY THE JAIL'S OWN RULES ON THE KIOSK IS THE ONLY FORM THAT CAN BE USED TO FILE GRIEVANCES

15) CONVICTED PRISONERS: CONVICTED PRISONERS ARE HOUSED WITH NONCONVICTED DETAINEES MAKING IT DANGEROUS BECAUSE ONCE CONVICTED PRISONER DON'T CARE AND GET MEAN AND DANGEROUS ESPECIALLY THOSE FROM PRISON.

16) PAINTED FLOORS: THE FLOORS IN THE JAIL ARE PAINTED ENAMEL. WHEN THESE FLOORS GET WET THEY

## RELIEF

IN THIS SECTION PLEASE STATE (WRITE) BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT, CITE NO CASES OR STATUTES.

GET SLIPPERY AND ARE AN ACCIDENT WAITING TO HAPPEN  
MAKING THE JAIL CONDITIONS UNSAFE, TWICE PETITIONER  
FELL ON HIS BACK AFTER GETTING OUT OF THE SHOWER  
STRAINING HIS ALREADY DAMAGED (L5) BACK, OHIO  
LAW DANKS PAINTING FLOORS IN GOVERNMENT  
BUILDING FOR THIS REASON

## RELIEF:

PETITIONER MOVES THIS COURT TO DEMAND THAT  
EVERY ISSUE BE CORRECTED AND THE PETITIONER  
BE GIVEN \$200,000 TOTAL FROM ALL RESPONDANTS  
FOR BEING ALLOWED TO SUFFER THESE CONDITIONS  
WHICH WERE BOTH DETRIMENTAL TO HIS LIFE, HEALTH,  
AND WELL BEING AS WELL AS BEING CRUEL AND  
UNUSAL PUNISHMENT. PETITIONER MOVES THIS  
COURT FOR ALL COSTS TO BE PAID FOR THIS ACTION,  
IE: FILING FEES, POSTAGE, SERVICE FEES, WITNESS FEES,  
etc

SIGNED THIS 17 DAY OF JULY 2010.



SIGNATURE OF PLAINTIFF